IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION Nos. 23795, 23796, 23797, 23798, 23799, 23800, 23801, 23802, 23803, 23804, 23805, 23806, 23807, 23808 and 23809 of 2005

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WRIT PETITION No. 23795 of 2005:

Between:

Chandana Bar & Restaurant, Secunderabad

represented its Proprietor Mr.Sandadi Vasu

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 3 others

.....RESPONDENTS

WRIT PETITION No. 23796 of 2005

Between:

Skymoon Bar & Restaurant, Hyderabad
rep its Proprietor Mr.R.Srinivas

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 3 others

.....RESPONDENTS

WRIT PETITION No. 23797 of 2005

Between:

M/s. Silver Plat Hotel Pvt Ltd., Secunderabad
Rep. by its Managing Director Mr. Satish Khanna

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 3 others

.....RESPONDENTS

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WRIT PETITION No. 23798 of 2005

Between:

Tarang Bar & Restaurant, Nagasuri Plaza,
Rep. its Proprietor Mr. D. Raja Rao

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 3 others

.....RESPONDENTS

WRIT PETITION No. 23799 of 2005

Between:

M/s. Ballerina Multi Cusine Bar & Restaurant,

Secunderabad, rep. byits Partner M. Subramanyam

And 2 others

..... PETITIONERS

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 9 others

.....RESPONDENTS

WRIT PETITION No. 23800 of 2005

Between:

Maharaja Bar & Restaurant, 1-7-228/1/A/B, Sarojinidevi Road,
Rep. its Proprietor Mr. M. T. Rajesh

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 3 others

.....RESPONDENTS

WRIT PETITION No. 23801 of 2005

Between:

New Amrut Bar & Restaurant, Hyderabad.
Rep. by its Proprietor, Smt. Y. Koteswari

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 3 others

.....RESPONDENTS

WRIT PETITION No. 23802 of 2005

Between:

Swaraj Bar & Restaurant, Hyderabad,
Rep. by its Proprietor Mr. G.V. Krishnaiah

And 3 others

..... PETITIONERS

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 9 others

.....RESPONDENTS

WRIT PETITION No. 23803 of 2005

Between:

M/s.Bigway Restaurant & Bar, Hyderabad

represented by its Partner Mr.M.Sivaprasad Raju

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 3 others

.....RESPONDENTS

WRIT PETITION NO : 23804 of 2005

Between:

Topaz Bar & Restaurant, Secunderabad,

Rep. by its Mr. C.Y.Raju

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 3 others

.....RESPONDENTS

WRIT PETITION No. 23805 of 2005

Between:

Brigades Bar & Restaurant, Hyderabad,

Rep. by its Proprietor Mr. D. Jayarami Reddy

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 3 others

.....RESPONDENTS

WRIT PETITION No. 23806 of 2005

Between:

100 Dollars Bar & Restaurant, 3-3-4, S.S. Heavens Complex,
Rep. its Proprietor Mr. Satpal Singh

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 3 others

.....RESPONDENTS

WRIT PETITION No. 23807 of 2005

Between:

M/s. Signature Bar & Restaurant, Hyderabad,

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 3 others

.....RESPONDENTS

WRIT PETITION No. 23808 of 2005

Between:

Mehfil Bar & Restaurant, Secunderabad ,

Rep by its Partner Mr.C.Parikshit Chowdary

And 3 others

..... PETITIONERS

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 8 others

.....RESPONDENTS

WRIT PETITION No. 23809 of 2005

Between:

Mount Paradise Bar & Restaurant, Secunderabad.

Rep. by its Partner Mr. P. Agaiah Goud

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and 3 others

.....RESPONDENTS

COMMON ORDER:

As all these writ petitions are filed for similar relief, they are being disposed of at the stage of admission by this common order.

Heard the learned counsel for the petitioners and the learned Government Pleader for Home.

All these writ petitions are filed seeking a Mandamus, declaring the action of the respondents in interfering and preventing the petitioners from running their respective Bar & Restaurants in providing entertainment by way of live band/Orchestra in their respective premises, as illegal and arbitrary, and violative of the judgment of the apex Court, and consequently permit the petitioners for conducting the Orchestra/live band in their respective premises.

It is stated that the petitioners are the Holders of Bar & Restaurants, having obtained licenses from the competent Excise officers. It is further stated that as the place of Bar & Restaurant is a public place of entertainment, a live band is also provided for. It is further stated that the respondents are insisting the petitioners to take amusement license separately, though as per the judgment of the Supreme Court in Civil Appeal No.1857 of 2000 and batch, the petitioners are entitled to provide live band/Orchestra in their respective premises.

Under Section 21 (f) (i) of the Hyderabad City Police Act, 1348 Fasli, the licenses were granted to the petitioners for establishment of a place of Public Entertainment (Category-II). As per the terms and conditions of License, the Bar shall transact business from 11.00 A.M. to 11.00 P.M. only as per the A.P. Indian Liquor & Foreign Liquor Rules, 1970 subject to the validity of Excise License. The other conditions imposed therein are that there shall not be disorderly behaviour, gambling and intoxicant being allowed in the licensed premises, and in the event of contravention of any rule made under Section 21 (f) (i) Hyderabad City Police Act, the licensee shall be punishable with fine. There is also a condition imposed in the license that playing of gramophone records in the Restaurant is not permitted.

The petitioners have not applied for license for public place of amusement. The petitioners contend that as their premises being the place of public entertainment, where food and drinks are served, merely because of live band is provided, it would not come under amusement within the meaning of Sec.3 (g) of Hyderabad City Police Act, 1348 Fasli. The Supreme Court held that merely because license has been taken for the public entertainment, it cannot be said that no license is required for public amusement. However, it was observed that merely because live band is also provided, it cannot be said to be a place of public amusement. The place of public entertainment cannot be turned into a place of public amusement. It is further observed that merely because live band is also provided in the place of entertainment where food and drinks are served, the provisions of place of public amusement have no application.

In Hyderabad City Police Act certain regulations have been made for grant of licenses for the Public place of amusement as well as public place of entertainment. The petitioners are not seeking any license for the public place of amusement, but it is stated that they are only seeking to have a live band/Orchestra. No incident has

been brought to the notice of this Court as to whether any of the police officials have restrained the petitioners from having a live band.

The learned Government Pleader for Home submitted that previously the petitioners have taken the amusement licenses and under the guise of amusement licenses, they used to conduct cabera dances with vulgar posters and attracting the young men and women for consumption of more drinks, and to attract the younger generation cultivating the evil culture in the society. He further submitted that several cases have been booked against them and several young ladies, practicing prostitution, were also arrested. It is further submitted that without having sufficient parking under the relevant regulations for the grant of amusement licenses, the petitioners used to run the bars with female artists by conducting cabera dances under the guise of orders of this Court, and the batch of writ petitions filed by them are dismissed, and against which, writ appeal are pending. It is further submitted that admittedly, the petitioners could not fulfil any of the conditions for grant of amusement licenses, and therefore, no amusement licenses were granted them. It is further submitted that under the guise of live band/orchestra, there is every likelihood of switch over to the old practice of having cabera dances with female artists, and even otherwise, the live band/orchestra with abnormal sound may have the sound pollution. No incident has been reported that the police ever obstructed the petitioners to have a live band.

Having regard to the facts and circumstances of the case, as representations have been made by the petitioners before the

1st respondent, who is the licensing authority, it is just and proper for the

1st respondent to consider and pass appropriate orders thereon as to whether the petitioners are entitled to have a live band/Orchestra by male and female singers being provided for their respective customers at their public place of entertainment or not, in accordance with law, within a period of 4 (four) weeks from the date of receipt of a copy of this Order.

With the above observations, these Writ Petitions are disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 09.11.2005

Dsr